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10/809,030	03/25/2004	Lori Greiner	47636.39.2	5806

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EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

MAIL DATE	DELIVERY MODE
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08/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/809,030

Applicant(s)

GREINER, LORI

Examiner

Hanh V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-17,21-29,52-56,76-79,81,87-90,98-100,102 and 106-114 is/are pending in the application.
- 4a) Of the above claim(s) 15,16 and 52-56 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,6-14,81,87,89,98,106-109,112 and 113 is/are allowed.
- 6) ☒ Claim(s) 17,21-29,76-79,88,90,99,102 and 114 is/are rejected.
- 7) ☒ Claim(s) 2, 100, 110, 111 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 5/3/2007.

Claim Objections

2. Claims 2, 100, 110, and 11 are objected to because of the following informalities:
(1) claims 2 and 100 both depend on claim 1 and each have the same limitations, so do claims 110 and 111. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 17, 22, 25, 27, 90, 99, 102, and 114 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,681,100 to Powell in view of USP 5,141,188 to DeBlasi et al.

Powell discloses a jewelry storage system for storing and allowing access to and removal of jewelry pieces, comprising all the elements recited in the above listed claims, including, such as shown in Figs 3-6: a jewelry cabinet defining an interior space, the

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jewelry cabinet comprising: a box frame including a top wall, bottom wall, two sidewalls and a back wall; a door connected to the box frame wherein the door extends substantially from the top wall to the bottom wall; and a plurality of jewelry storage elements attached within the interior space; and a stand receiving the jewelry cabinet to incline the back wall of the jewelry cabinet from a position substantially perpendicular to a horizontal plane to a non-perpendicular position with respect to the horizontal plane, a mirror attached to an exterior surface of the door, an angle adjusting element configured to determine the angle of the jewelry cabinet between about 60 and 90 degrees, wherein the angle adjusting element is a peg 80 and opening system configured so that when the peg is placed into an opening 66 in one of the jewelry cabinet or stand, the peg holds the jewelry cabinet at the angle, the plurality of jewelry storage elements includes a hook bar 44, a bracelet bar 46 and a plurality of shelves 42, pouches attached to one of an interior surface of the box frame and the door. The different being that Powell does not disclose a peg extending from the inside surface of the stand to contact an exterior surface of the frame to incline the back wall of the jewelry cabinet from a position substantially perpendicular to a horizontal plane to a non-perpendicular position with respect to the horizontal plane.

DeBlasi et al teaches an alternate idea of providing a storage system comprising a frame 30 having at least one of the two sidewalls including an opening, and a peg 29 extending from the inside surface of the stand to contact an exterior surface of the frame to incline the back wall of the jewelry cabinet from a position substantially perpendicular to a horizontal plane to a non-perpendicular position with respect to the

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horizontal plane and thereby hold the cabinet at an angle less than approximately 90 degrees, such as shown in Figs 1-2. Therefore, it would have been obvious to modify the structure of Powell by providing the inside surface of the stand to contact an exterior surface of the frame to incline the back wall of the jewelry cabinet from a position substantially perpendicular to a horizontal plane to a non-perpendicular position with respect to the horizontal plane and thereby hold the cabinet at an angle less than approximately 90 degrees, as taught by DeBlasi et al, since both teach alternate conventional display stand having angle adjustment capability, thereby providing structure as claimed.

6. Claims 21, 23, 26, 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell, as modified, as applied to claim 17 above, and further in view of USP 4,776,650 to Ferenzi and USP 5,511,873 to Mech.

Powell, as modified, discloses all the elements as discussed above except for (1) at least one of the plurality of jewelry storage elements is capable of being relocated within the jewelry cabinet, (2) the bracelet bar is removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the plurality of shelves further include movable dividers that divide a top surface of the shelves, (4) the pouch is located beneath the hook bar and is configured to capture lengthy pieces of jewelry placed on the plurality of hooks, (5) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame.

Ferenzi and Mech, both teach the idea of a jewelry storage cabinet comprising (1) a plurality of jewelry storage elements capable of being relocated within the jewelry cabinet, (2) a bracelet bar is removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame, wherein the capability of the jewelry storage elements to be moved and relocated to other locations within the jewelry cabinet and the earring bar having a plurality of openings increases overall versatility usage of the cabinet. Therefore, it would have been obvious to modify the structure of Powell by having (1) a plurality of jewelry storage elements capable of being relocated within the jewelry cabinet, (2) a bracelet bar being removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame, wherein the capability of the jewelry storage elements to be moved and relocated to other locations within the jewelry cabinet and the earring bar having a plurality of openings increases overall versatility usage of the cabinet, as taught by Ferenzi and Mech, since both teach alternate conventional jewelry cabinet structure, used for the same intended purpose, thereby providing structure as claimed. In regard to the plurality of shelves further include movable dividers that divide a top surface of the shelves, the examiner takes the Official position that it is well known in the art to provide a shelf with movable dividers

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therein in order to provide various size receptacles for holding articles of different sizes.

In regard to the pouch is located beneath the hook bar and is configured to capture lengthy pieces of jewelry placed on the plurality of hooks, it would have been obvious and well within the level of one skill in the art to provide such pouches in order to prevent accidental damage to a lengthy piece of jewelry.

7. Claims 24, and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell, as modified, as applied to claim 17 above, and further in view of USP 4,282,975 to Ovadia.

Powell, as modified, discloses all the elements as discussed above except for the bracelet bar being removably attached to the interior surface of the door by at least one magnet, and the ring storage element having a plurality of slits.

Ovadia teaches that it is well known in the art to provide a plurality of jewelry storage elements with magnets and a ring storage element having a plurality of slits in order to allow the jewelry storage elements to be used in more creative presentations. Therefore, it would have been obvious to modify the structure of Powell, as modified, by having the bracelet bar being removably attached to the interior surface of the door by at least one magnet and a ring storage element having a plurality of slits in order to allow the jewelry storage elements to be used in more creative presentations, as taught by Ovadia, since both teach alternate conventional jewelry storage elements, used for the same intended purpose, thereby providing structure as claimed.

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8. Claims 76-77, 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell, as modified, as applied to claim 17 above, and further in view of WO 99/00005 to Greiner.

Powell, as modified, discloses a jewelry storage system for storing and allowing access to and removal of jewelry pieces, comprising all the elements recited in the above listed claims, including, such as shown in Figs 3-6: a jewelry cabinet defining an interior space, the jewelry cabinet comprising: a box frame including a top wall, bottom wall, two sidewalls and a back wall; a door connected to the box frame wherein the door extends substantially from the top wall to the bottom wall; and a plurality of jewelry storage elements attached within the interior space; and a stand configured to receive the jewelry cabinet to hold the jewelry cabinet in an upright position so that the back wall of the jewelry cabinet forms an angle α from the horizontal, a mirror attached to an exterior surface of the door, an angle adjusting element configured to determine the angle θ of the jewelry cabinet between about 60 and 90 degrees, wherein the angle adjusting element is a peg 80 and opening system configured so that when the peg is placed into an opening 66 in one of the jewelry cabinet or stand, the peg holds the jewelry cabinet at the angle, the plurality of jewelry storage elements includes a hook bar 44, a bracelet bar 46 and a plurality of shelves 42, pouches attached to one of an interior surface of the box frame and the door. The different being that Powell does not disclose at least one of the two sidewalls including an opening, and a peg adapted to be placed in the opening in the cabinet sidewall such that the peg extends from the

sidewall to rest against an outer surface of the stand and thereby hold the cabinet at an angle less than approximately 90 degrees.

Powell discloses all the elements as discussed above except for the mounting element is attached to the bracelet bar in a central portion of the bracelet bar, thereby providing access to the bracelet bar from either end of the bracelet bar.

Greiner teaches the idea of a jewelry storage cabinet comprising a bracelet bar 200 attached thereto, wherein the mounting element is attached to the bracelet bar in a central portion of the bracelet bar, thereby providing access to the bracelet bar from either end of the bracelet bar. Therefore, it would have been obvious to modify the structure of Powell by having the mounting element being attached to the bracelet bar in a central portion of the bracelet bar, thereby providing access to the bracelet bar from either end of the bracelet bar, as taught by Greiner, since both teach alternate conventional jewelry cabinet structure, used for the same intended purpose, thereby providing structure as claimed.

9. Claim 78 is rejected under 35 U.S.C. 103(a) as being unpatentable over Powell, as modified, as applied to claim 17 above, and further in view of USP 4,776,650 to Ferenzi and USP 5,511,873 to Mech.

Powell, as modified, discloses all the elements as discussed above except for (1) at least one of the plurality of jewelry storage elements is capable of being relocated within the jewelry cabinet, (2) the bracelet bar is removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the plurality of shelves

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further include movable dividers that divide a top surface of the shelves, (4) the pouch is located beneath the hook bar and is configured to capture lengthy pieces of jewelry placed on the plurality of hooks, (5) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame.

Ferenzi and Mech, both teach the idea of a jewelry storage cabinet comprising (1) a plurality of jewelry storage elements capable of being relocated within the jewelry cabinet, (2) a bracelet bar is removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame, wherein the capability of the jewelry storage elements to be moved and relocated to other locations within the jewelry cabinet and the earring bar having a plurality of openings increases overall versatility usage of the cabinet. Therefore, it would have been obvious to modify the structure of Powell by having (1) a plurality of jewelry storage elements capable of being relocated within the jewelry cabinet, (2) a bracelet bar being removably attached to the interior surface of the door, the bracelet bar being configured such that it can be moved and relocated to other locations on an interior surface of the door, (3) the earring bar having a plurality of openings and being attached to at least one of an interior surface of the door and the box frame, wherein the capability of the jewelry storage elements to be moved and relocated to other locations within the jewelry cabinet and the earring bar having a plurality of openings increases overall versatility usage of the cabinet, as taught by Ferenzi and Mech, since both teach

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alternate conventional jewelry cabinet structure, used for the same intended purpose, thereby providing structure as claimed. In regard to the plurality of shelves further include movable dividers that divide a top surface of the shelves, the examiner takes the Official position that it is well known in the art to provide a shelf with movable dividers therein in order to provide various size receptacles for holding articles of different sizes. In regard to the pouch is located beneath the hook bar and is configured to capture lengthy pieces of jewelry placed on the plurality of hooks, it would have been obvious and well within the level of one skill in the art to provide such pouches in order to prevent accidental damage to a lengthy piece of jewelry. In regard to the storage elements including a mounting element having a rear side containing at least one attachment device for removable attachment anywhere along a length of the attachment strip, the examiner takes the position that it would have been obvious to one skill in the art in view of Powell, as modified, to provide such mounting element in order to allow easy rearrangement of elements within the jewelry storage system.

Response to Arguments

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

11. Claims 1, 6-14, 81, 87, 89, 98, 106-109, 112-113 are allowed.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT *HVT*
August 03, 2007

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

A handwritten signature in black ink, appearing to read "Lanna Mai", written in a cursive style.